

AG Contract No.: KR04-0555TRN
ADOT ECS File No.: JPA 04-048
Amendment One
Project No.: HRF-AAP-0-803
Project: Concho / Snowflake Highway
TRACS No.: HF103 01C
Budget Source Item No.: N/A
HURF Exchange Program

AMENDMENT ONE
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
APACHE COUNTY

THIS AGREEMENT is entered into September 30, 2004, Amendment One to JPA 04-048, AG Contract No.: KR04-0555TRN filed with the Secretary of State under No. 26863, pursuant to Arizona Revised Statutes § 11-951 through § 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and APACHE COUNTY, ARIZONA, acting by and through its Board of Supervisors (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 and § 28-6993(g) to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes § 11-251 and § 11-951 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

The parties agree to amend the above-referenced Agreement to change the amount of Highway User Revenue Funds (HURF) for the construction of improvements to Concho Road / Snowflake Highway for the County of Apache to fiscal year 2004. Funds will be repaid to the State by withholding from the Northern Arizona Council of Governments (NACOG) in fiscal year 2004.

Article I, Paragraph 3 is revised in full as follows:

3. The State has approved the exchange of \$575,000.00 in Highway User Revenue Funds (HURF) in Fiscal Year 2004 to the County for the construction of roadway improvements to Concho Road / Snowflake Highway, and such funds will be repaid to the State by withholding from the Northern Arizona Council of Governments (NACOG) federal funds and the obligation authority for federal funds in the amount of \$596,460.00 in Fiscal Year 2004.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 26863 #01
Filed with the Secretary of State
Date Filed: 09/30/04

Janice K. Brewer
Secretary of State

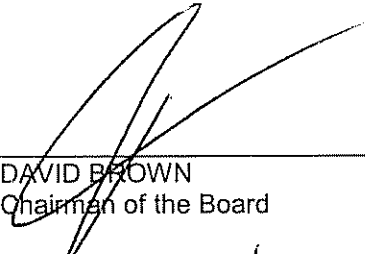
By: Timothy D. Greenwald

EXCEPT AS AMENDED Herein, All other terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

APACHE COUNTY

By


DAVID BROWN
Chairman of the Board

Date

9-13-04

STATE OF ARIZONA

Department of Transportation

By

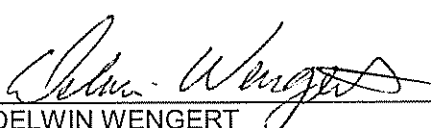

DALE BUSKIRK, Division Director
Transportation Planning Division

Date

9/21/04

ATTEST

By


DELWIN WENGERT
Deputy Clerk of the Board

Date

9-13-04

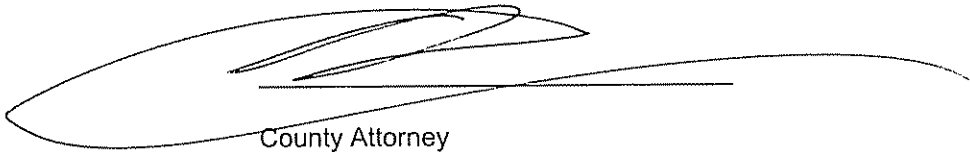
JPA 04-048

AMENDMENT NO. ONE

APPROVAL OF THE APACHE COUNTY ATTORNEY

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the APACHE COUNTY, an agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this agreement to be in proper form and within the powers and authority granted to the COUNTY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 13 day of Sept, 2004.


County Attorney

DAVID A. BROWN
CHAIRMAN OF THE BOARD
DISTRICT III
P.O. BOX 428 ST. JOHNS, AZ 85936

JIM CLAW
VICE CHAIR. OF THE BOARD
DISTRICT I
P.O. BOX 1952 CHINLE, AZ 86503

TOM M. WHITE, JR.
MEMBER OF THE BOARD
DISTRICT II
P.O. BOX 994 GANADO, AZ 86505

**BOARD OF SUPERVISORS
OF APACHE COUNTY**

P.O. BOX 428
ST. JOHNS, ARIZONA 85936

TELEPHONE: (928) 337-4364
FACSIMILE: (928) 337-2003



DELWIN P. WENGERT, MANAGER-CLERK
ST. JOHNS, AZ 85936

CERTIFICATION OF MINUTES

"Ferrin Crosby, County Engineer, requested approval to enter into an Intergovernmental Agreement with the State of Arizona to receive additional HURF exchange funds. Mr. Crosby stated that this is an amendment to a previously approved IGA and the County will be receiving additional funds reflecting a change in the amount the County would receive. Mr. Crosby stated the change will go from \$419,000 to \$575,000.00. Mr. Crosby stated that he spoke with the county attorney's office regarding this item. **Mr. White moved approval, seconded by Mr. Brown.** Motion passed."

I, Delwin Wengert, Clerk of the Board of Supervisors, do hereby certify that the above is a true and correct copy of the minutes of a meeting of the Apache County Board of Supervisors held on August 31, 2004.

IN WITNESS WHEREOF, I have affixed the official seal of Apache County at St. Johns, the county seat this 15th day of September, 2004.

Delwin Wengert
Clerk/Manager

(SEAL)



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602.542.8855

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR04-0555TRN (**JPA 04-048-Amendment One**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: September 23, 2004

TERRY GODDARD
Attorney General

A handwritten signature in cursive script, reading "Susan Davis", written over a horizontal line.

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section